

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

SECURITIES AND EXCHANGE COMMISSION, §

Plaintiff, §

vs. §

Civil Action No.: 3:06-CV-2136-P

ABC VIATICALS, INC., §

C. KEITH LAMONDA, §

and JESSE W. LAMONDA, JR., §

Defendants §

and §

LAMONDA MANAGEMENT FAMILY §

LIMITED PARTNERSHIP, §

STRUCTURED LIFE SETTLEMENTS, INC., §

BLUE WATER TRUST, §

and DESTINY TRUST §

Relief Defendants. §

**FIFTH MOTION FOR AGREED ORDER EXTENDING DISCOVERY
DEADLINES TO ALLOW FOR SETTLEMENT NEGOTIATIONS**

TO THE HONORABLE JORGE A. SOLIS, UNITED STATES DISTRICT JUDGE:

COMES NOW Michael J. Quilling as the Receiver for ABC Viaticals, Inc. ("Receiver") and requests that this Court enter the parties' Fifth Agreed Order extending discovery deadlines to allow for additional document disclosure from Donald S. Kaplan ("Respondent"). In support of this Motion, the Receiver would respectfully show the Court as follows:

1. On June 3, 2008, the Court entered a Fourth Agreed Amended Scheduling Order (Dkt. No. 142) that set August 28, 2008, as the date by which the Receiver and Respondent must complete discovery. That Order also set September 18, 2008, as the date by which both parties must file motions for summary judgment.

2. Counsel for the Receiver and Respondent continue to participate in a good faith effort to resolve this matter without further court intervention. Following entry of this Court's protective order (Dkt. No. 129) on March 31, 2008, Respondent began producing his private financial records on April 1, 2008. The Receiver's accountant has viewed those records and the assets and financial condition described are relatively involved. The Receiver is currently awaiting explanations and documentation on five separate issues, all of which are necessary to respond to the current settlement proposal. Accordingly, the Receiver and Respondent now seek an additional 45 days to produce documents and work towards settlement without enduring the expense of discovery and further litigation.

3. By extending the discovery deadline 45 days, the parties anticipate filing a motion to approve settlement by October 13, 2008, or else have all discovery completed by that date.

4. Accordingly, the parties have prepared a Fifth Agreed Amended Scheduling Order attached as Exhibit A. That Order would set October 13, 2008, as the date to complete discovery and November 5, 2008, as the date to file motions for summary judgment. All remaining deadlines would be extended accordingly.

WHEREFORE, premises considered, the Receiver respectfully requests that this Court approve and enter the Fifth Agreed Amended Scheduling Order attached as Exhibit A and grant such other and further relief, general or special, at law or in equity, to which he may otherwise show himself entitled.

Respectfully submitted,

**QUILLING, SELANDER, CUMMISKEY
& LOWNDS, P.C.**

2001 Bryan Street, Suite 1800
Dallas, Texas 75201
(214) 871-2100 (Telephone)
(214) 871-2111 (Facsimile)

By: /s/ Brent Rodine
Michael J. Quilling
State Bar No. 16432300
Brent Rodine
State Bar No. 24048770

ATTORNEYS FOR RECEIVER

CERTIFICATE OF CONFERENCE

According to Local Rule 7.1, the undersigned conferred with Richard Baum, on August 27, 2008. Both parties agree to the relief requested in this motion.

/s/ Brent Rodine

CERTIFICATE OF SERVICE

A copy of this pleading was served on all interested parties through the Court's electronic filing system.

/s/ Brent Rodine